

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR358
)	
v.)	
)	
JEROME DANIELS,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motions to reduce his sentence pursuant to the crack cocaine amendment 706 (Filing Nos. 84 and 116). No responses have been filed to said motions.

Pursuant to the retroactive amendment to the cocaine base guidelines, the defendant's final offense level is reduced from 38 to 36. His criminal history category remains at VI. This results in a sentencing range under the amended guidelines of 324 to 405 months.

The defendant's original guideline range was 360 months to life. At that time, he was sentenced to 240 months on Count I and 240 months on Count II, said terms to run concurrently. The 240 months represented two-thirds of the minimum guideline sentence. Two-thirds of the amended minimum guideline sentence is 216 months, and the Court finds that the defendant's sentence should be adjusted accordingly. Therefore,

IT IS ORDERED that defendant's motions to reduce sentence are granted. The sentence of the defendant is reduced to 216 months. He shall receive credit for all time served on the sentence previously imposed by the Court. The conditions of supervised release provided in the original judgment and committal order remain in full force and effect, and all other terms and conditions of that judgment and committal order remain unchanged.

DATED this 7th day of July, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court